

**BEFORE THE STATE BOARD OF REGISTRATION  
FOR THE HEALING ARTS**

STATE BOARD OF REGISTRATION )  
FOR THE HEALING ARTS, )

Petitioner, )

v. )

License No. MDR1277

ERWIN F. BUSIEK, M.D. )

Respondent. )

**SETTLEMENT AGREEMENT**

Erwin F. Busiek, M.D., (Respondent) and the State Board of Registration for the Healing Arts (Board) enter into this Agreement for the purpose of modifying the Findings of Fact, Conclusions of Law and Disciplinary Order issued by the Board on August 13, 1999 regarding the above-captioned matter.

1. Respondent acknowledges that he has been informed of his right to consult legal counsel in this matter.
2. Respondent hereby waives and releases the Board, its members and any of its employees, agents, or attorneys, including any former Board members, employees, agents, and attorneys, of, or from, any liability, claim, actions, causes of action, fees, costs and expenses, and compensation, including, but not limited to any claims for attorneys fees and expenses, including any claims pursuant to § 536.087, RSMo 1994, or any claim arising under 42 U.S.C. 1983, which may be based upon, arise out of, or relate to any of the matters raised in this case or this Agreement, or from the negotiation or execution of this Agreement. The parties acknowledge that

this paragraph is severable from the remaining portions of this Agreement in that it survives in perpetuity even in the event that any court of law deems this Agreement, or any portion thereof, void or unenforceable.

3. Respondent understands and agrees that the Missouri State Board of Registration for the Healing Arts will maintain this Agreement as an open record of the Board as required by Chapter 334, 610, 620 and 621, RSMo, as amended.

Based on the foregoing, the parties agree to the following:

4. The State Board of Registration for the Healing Arts (the "Board") is an agency of the State of Missouri created and established pursuant to § 334.120, for the purpose of executing and enforcing the provisions of Chapter 334, RSMo.

5. Erwin F. Busiek, M.D., is licensed by the Board as a physician and surgeon, license number MDR1277. Respondent's license is current, but under suspension.

6. On April 9, 1999, the Board held a final disciplinary hearing pursuant to § 334.100.2(25), RSMo. regarding the medical license of Dr. Erwin Busiek.

7. Effective August 13, 1999, Dr. Busiek's medical license, No. MDR1277, was revoked. That revocation was stayed and Busiek's license was placed under suspension for six months from August 13, 1999. Busiek was to be given two opportunities to obtain a passing score on the SPEX. If he failed to achieve a passing score on the SPEX, then the stay would be lifted and the revocation was to be imposed. A copy of the August 13, 1999 disciplinary order is attached as Exhibit 1.

8. At the Board's October 1999 meeting, the Board reviewed a request by Dr. Busiek to retire his license and refrain from the practice of medicine if the Board would rescind the August 13, 1999 Disciplinary Order.

9. At its October 1999 meeting, the Board decided to terminate the revocation and suspension and accept the offer of retirement made by Dr. Busiek.

10. Dr. Busiek has submitted his retirement affidavit to the Board.

THEREFORE, IT IS HEREBY AGREED that Dr. Busiek's retirement affidavit is accepted and the Board ends the suspension and revocation contained in its Findings of Fact, Conclusions of Law and Disciplinary Order dated August 13, 1999. Nothing herein shall be construed as permission for Dr. Busiek to practice medicine from August 13, 1999 through this date.

RESPONDENT

Erwin F. Busiek 1-26-00  
Erwin F. Busiek, M.D. M.D. Date

BOARD

Tina Steinman 2/4/2000  
Tina Steinman Date

JEREMIAH W. (JAY) NIXON  
Attorney General

James O. Ertle 1-31-00  
JAMES O. ERTLE Date  
Assistant Attorney General  
Missouri Bar No. 49166

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ATTORNEYS FOR THE BOARD

EFFECTIVE THIS 4 DAY OF February, 2000.